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4 The Honorable Robert Lasnik

5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA,)
9 Plaintiff,) NO. CR16-186RSL
10 v.) ORDER CONTINUING
11 FRANKIE MANUEL MIRANDA,) TRIAL DATE AND
12 Defendant.) TIME FOR PRETRIAL
13 MOTIONS
14 _____)

15 THIS MATTER having come before the Court on the unopposed motion filed by
16 defendant Frankie Miranda (Dkt. # 35) for an order continuing the trial date and motions
17 deadlines in the above-captioned matter, and the Court having considered the motion and the
18 speedy trial waivers filed by defendant and his co-defendant, Dion Vincent Hooks (Dkt.
19 ## 36, 38), the Court now finds and rules as follows:

20 On June 22, 2016, a four-count indictment was returned against defendant Frankie
21 Miranda.

22 Under the Speedy Trial Act, the trial of a defendant shall commence within 70 days
23 from the date that an indictment is made public, or from the date the defendant has appeared
24 before a judicial officer of the court in which such charge is pending, whichever date last
25

1 occurs. 18 U.S.C. § 3161(c)(1). Certain periods of delay are excludable from the Speedy
2 Trial calculation. *See* 18 U.S.C. § 3161(h). In particular, any period of delay resulting from a
3 continuance is excludable if the Court makes a finding that the ends of justice served by the
4 continuance outweigh the best interest of the public and the defendant in a speedy trial. 18
5 U.S.C. § 3161(h)(7)(A). The factors, among others, which a judge shall consider in
6 determining whether to grant a continuance pursuant to 18 U.S.C. § 3161(h)(7)(A) are set
7 forth in § 3161(h)(7)(B)(i)-(iv).

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9 The parties are acting diligently. On October 25, 2016, the United States provided the
10 first discovery packet. The discovery includes over 2500 pages of financial records and 25
11 audio and video recordings. Additional discovery is forthcoming.

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13 Defense counsel advises that he has only reviewed a small portion of the voluminous
14 discovery packet and will also require time to share those materials with his client. Defense
15 counsel advises that he will need a meaningful period of time to review the new discovery and
16 discuss it with his client before preparing pretrial motions.

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18 In light of the voluminous discovery and factual complexity of the case, the Court finds
19 that failure to grant the requested continuance would deny the defendant reasonable time
20 necessary for adequate preparation, taking into account the exercise of due diligence. 18
21 U.S.C. § 3161(h)(7)(B)(ii). Therefore, the Court finds that the ends of justice served by the
22 granting of the requested continuance outweigh the best interest of the public and the
23 defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

1 Therefore, it is hereby ORDERED that defendant's unopposed motion is GRANTED.

2 It is further ORDERED that the trial in this matter shall commence on April 17, 2017 and that
3 pretrial motions are due on or before March 3, 2017.

4 It is further ORDERED that this period of delay from the date of this order through
5 April 17, 2017, will be excludable time under the Speedy Trial Act under Title 18, United
6 States Code, Section 3161(h)(7)(A).

8

9 DATED this 7th day of November, 2016.

10

11 Robert S. Lasnik

12 Robert S. Lasnik
13 United States District Judge